

REMARKS

Claims 1-14 are pending in this application.

Claims 4, 10, 11, 13 and 14 have been withdrawn from consideration under 37 C.F.R. 1.142(b) as being drawn to a non-elected species.

REJECTION UNDER 35 U.S.C. § 102

Reconsideration is respectfully requested of the rejection of claims 1-3, 5-9 and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,936,845 ("Kim").

Applicant respectfully submits that the rejection of the claims under section 102 is legally deficient for at least the reason that Kim is not prior art.

As stated in the "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 C.F.R. 1.495" mailed on March 7, 2006 ("Notice of Acceptance"), "the filing date of the above-identified application is the international filing date of the international application." (emphasis added).

Further, 35 U.S.C. § 363 states that "[a]n international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office".

Accordingly, for purposes of determining whether a reference constitutes prior art, the effective U.S. filing date of the above-referenced application is November 5, 2002, the date that the PCT was filed.

Accordingly, Kim, which was filed on January 5, 2004, after the effective filing date, is not prior art.

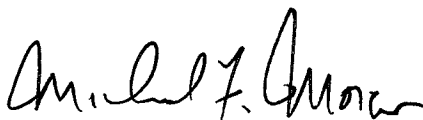
Accordingly, the claim rejection under 35 U.S.C. § 102 is legally deficient on its

face and, consequently, must be withdrawn.

Therefore, Applicant respectfully requests that the Examiner's rejection of claims 1-3, 5-9 and 12 under 35 U.S.C. § 102(e) be withdrawn.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", written over a horizontal line.

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